UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,694	04/04/2001	Behnam Azvine	36-1449	5931

7590   08/13/2004

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EXAMINER
ALI, SYED J

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/806,694	AZVINE ET AL.
	Examiner	Art Unit
	Syed J Ali	2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *04 April 2001*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-16* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *04 April 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *Sept. 26, 2001*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-16 are pending in this application.

Claim Objections

2.   **Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form.**

Claim 12 recites the limitation "wherein the receiving means is further operable to receive the input indicative of a workload status for the entity". The parent claim, claim 11, recites "the predetermined criteria includes at least an input indicative of a workload status for the entity". Since the parent claim performs the function recited by the dependent claim, claim 12 fails to sufficiently limit the subject matter of its parent claim.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   **Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

5.   The claims are generally narrative and indefinite, failing to conform with current U.S.

practice.   They appear to be a literal translation into English from a foreign document and are

replete with grammatical, punctuation, and idiomatic errors.

6.   The following claim language is indefinite:

a.   In lines 1-2 of claim 4 and line 2 of claim 9, it is unclear how many elements of

the claim are required by the phrase "at least some of".

b.   In line 2 of claim 10, it is unclear that the term "state of mind of an entity" refers

to.

c.   In lines 1-2 of claim 14, which states "wherein the entity is a user", is indefinite

since a reading of parent claim 1 would indicate that the entity is a computer system or

other device capable of executing a task.

d.   In claim 16, it is unclear as to whether the claim is an independent or dependent

claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   **Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Harrison et al. (USPN 5,701,482) in view of Williams (USPN 6,411,982).

9.   As per claim 1, Harrison teaches the invention as claimed, including an apparatus for controlling communication loads from a computer system to an entity, the computer system comprising a plurality of information management means, each of the information management means being operable to assist an entity with information management tasks, the apparatus comprising:

(i)   receiving means for receiving one or more inputs representative of one or more tasks to be performed by each information management means (col. 2 lines 38-49; col. 6 lines 31-44; col. 6 line 66 - col. 7 line 14);

(ii)   scheduling means for scheduling execution of each task (col. 2 lines 50-56; col. 3 lines 14-27; col. 3 line 66 - col. 4 line 6; col. 9 lines 15-25); and

(iii)   execution means for effecting execution of each scheduled task, characterized in that the scheduling means schedules each task in accordance with predetermined criteria for controlling communication loads on the entity (col. 2 lines 38-56; col. 3 lines 14-27; col. 4 lines 33-42; col. 8 line 53 - col. 9 line 4).

10.   Williams teaches the invention as claimed, including the following limitations not shown by Harrison:

the scheduling means schedules an explicit execution time for each task in accordance with predetermined criteria (col. 2 line 40 - col. 3 line 9; col. 3 line 53 - col. 4 line 9).

11.   It would have been obvious to one of ordinary skill in the art to combine Harrison and Williams since the specification of an exact execution time for each task allows deadline constraints to be satisfied, as well as putting in place load balancing mechanisms to ensure that

tasks are serviced in a timely fashion. These added features are provided by Williams in such a way that the explicit execution time provided is used for scheduling a task, while the task may be offloaded to another processor during overload conditions such that the task can be serviced as close to its scheduled time as possible (col. 2 lines 1-15).

12.   As per claim 2, Williams teaches the invention as claimed, including the apparatus according to claim 1, wherein when the input comprises a change to a previously received input, the scheduling means operable to change the explicit execution time associated with the previously received input, thereby rescheduling execution of the task associated with the previously received input (col. 2 lines 1-15; col. 5 line 49 - col. 6 line 17).

13.   As per claim 3, Williams teaches the invention as claimed, including the apparatus according to claim 1, wherein the apparatus further includes a world model, the world model comprising one or more parameters associated with each input, and is accessible to the scheduling means (col. 3 line 53 - col. 4 line 9).

14.   As per claim 4, Williams teaches the invention as claimed, including the apparatus according to claim 3, wherein the parameters include at least some of a start time of each task, a deadline time of each task, a duration of each task and/or interruption status of the entity (col. 3 line 53 - col. 4 line 9; col. 5 lines 29-31).

15.   As per claim 5, Harrison teaches the invention as claimed, including the apparatus
according to claim 4, wherein the entity can explicitly specify the interruption status for allowing
or otherwise interrupting the entity (col. 3 line 66 - col. 4 line 17).

16.   As per claim 6, Williams teaches the invention as claimed, including the apparatus
according to claim 1, including means for storing entity preference information, the entity
preference information including preferred actions of the entity relating to task information (col.
3 line 53 col. 4 line 9).

17.   As per claim 7, Williams teaches the invention as claimed, including the apparatus
according to claim 3, wherein the world model is maintained by a diary, the diary being
responsive to inputs from the execution means and scheduling execution of the request to occur
in a free timeslot of the diary (col. 2 lines 1-15; col. 5 line 49 - col. 6 line 17).

18.   As per claim 8, Harrison teaches the invention as claimed, including the apparatus
according to claim 1 for assisting in the management of information flow for an entity, further
comprising means operable to concurrently execute a plurality of processes (col. 3 lines 14-27;
col. 3 line 66 - col. 4 line 42).

19.   As per claim 9, Williams teaches the invention as claimed, including the apparatus
according to claim 1, wherein the information management means include at least some of a
diary assistant, an email assistant, a telephone assistant, and a web assistant (col. 2 lines 1-15;
col. 5 line 49 - col. 6 line 17).

20.   As per claim 10, Harrison teaches the invention as claimed, including the apparatus
according to claim 1, further comprising means responsive to an input signal indicative of a state
of mind of an entity (col. 2 lines 38-56; col. 3 lines 14-27; col. 4 lines 33-42; col. 8 line 53 - col.
9 line 4).

21.   As per claim 11, Harrison teaches the invention as claimed, including an apparatus for
controlling communication loads from a computer system to an entity, the computer system
comprising a plurality of information management means, each of the information management
means being operable to assist an entity with information management tasks, the apparatus
comprising:

    (i)   receiving means for receiving one or more inputs representative of one or more
    tasks to be performed by each information management means (col. 2 lines 38-49; col. 6
    lines 31-44; col. 6 line 66 - col. 7 line 14);

    (ii)   scheduling means for scheduling execution of each task (col. 2 lines 50-56; col. 3
    lines 14-27; col. 3 line 66 - col. 4 line 6; col. 9 lines 15-25); and

    (iii)   execution means for effecting execution of each scheduled task, wherein the
    scheduling means schedules each task in accordance with predetermined criteria for

controlling communication loads on the entity, and the predetermined criteria includes at least an input indicative of a workload status for the entity (col. 2 lines 38-56; col. 3 lines 14-27; col. 4 lines 33-42; col. 8 line 53 - col. 9 line 4).

22.   Williams teaches the invention as claimed, including the following limitations not shown by Harrison:

the scheduling means schedules an explicit execution time for each task in accordance with predetermined criteria (col. 2 line 40 - col. 3 line 9; col. 3 line 53 - col. 4 line 9).

23.   As per claim 12, Harrison teaches the invention as claimed, including the apparatus according to claim 11, wherein the receiving means is further operable to receive the input indicative of a workload status for the entity (col. 2 lines 38-56; col. 3 lines 14-27; col. 4 lines 33-42; col. 8 line 53 - col. 9 line 4).

24.   As per claim 13, Harrison teaches the invention as claimed, including the apparatus according to claim 11, wherein the input indicative of a workload status for the entity includes an input indicative of the interruption status of the entity (col. 2 lines 38-56; col. 3 lines 14-27; col. 3 line 66 - col. 4 line 42; col. 8 line 53 - col. 9 line 4).

25.   As per claim 14, Harrison teaches the invention as claimed, including an apparatus according to claim 1, wherein the entity is a user (col. 9 lines 26-35).

26.   As per claim 15, Harrison teaches the invention as claimed, including a method of coordinating tasks to be executed by a computer system, the method including the steps of:

(i)   receiving new task information (col. 2 lines 38-49; col. 6 lines 31-44; col. 6 line 66 - col. 7 line 14);

(ii)   identifying, from the new task information, the type of new task (col. 8 line 53 - col. 9 line 4);

(iii)   retrieving a plan corresponding to the type of new task (col. 2 lines 50-56; col. 3 lines 14-27; col. 3 line 66 - col. 4 line 6; col. 9 lines 15-25);

(iv)   consulting a list of pre-entered tasks to be performed by the computer system and/or entity (col. 2 lines 38-56; col. 3 lines 14-27; col. 4 lines 33-42; col. 8 line 53 - col. 9 line 4); and

(v)   scheduling execution of the new task in a timeslot, such that the new task is scheduled an explicit execution time in accordance with predetermined criteria for controlling communication loads on an entity (col. 2 lines 38-56; col. 3 lines 14-27; col. 4 lines 33-42; col. 8 line 53 - col. 9 line 4).

27.   Williams teaches the invention as claimed, including the following limitations not shown by Harrison:

scheduling execution of the new task in a timeslot, such that the new task is scheduled an explicit execution time in accordance with predetermined criteria for controlling communication loads on an entity (col. 2 line 40 - col. 3 line 9; col. 3 line 53 - col. 4 line 9).

28.   As per claim 16, Harrison teaches the invention as claimed, including a computer

program, or a suite of computer programs, comprising a set of instructions, or a suite of a set of

instructions, to cause a computer to perform the method according to claim 15 (col. 9 lines 36-

46).

Conclusion

29.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Syed J Ali whose telephone number is (703) 305-8106.   The

examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai T An can be reached on (703) 305-9678.   The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.   Status information for published applications

may be obtained from either Private PAIR or Public PAIR.   Status information for unpublished

applications is available through Private PAIR only.   For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Syed Ali
July 27, 2004

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